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UNITED STATES DISTRICT COURT

CLARK COUNTY, NEVADA

KATHLEEN GANNON,
Plaintiff,

vs.

WESTERN UNITED INSURANCE COMPANY,
d/b/a AAA NEVADA INSURANCE
COMPANY, and DOES I through XX,
inclusive,

Defendants.

Case No. 2:10-cv-00137

**STIPULATION TO: (1) LIMIT
RECOVERABLE DAMAGES TO
\$75,000 (2) TO REMAND TO
NEVADA STATE COURT; and (3) TO
EXTEND TIME TO ANSWER OR
OTHERWISE RESPOND TO
COMPLAINT**

This action was originally filed in Nevada District Court, Clark County, on November 23, 2009, and thereafter removed to this Court on January 29, 2010. The parties agreed that the matter could be remanded back to State Court in exchange for a stipulation from Plaintiff Kathleen Gannon that, if she were to recover damages, such damages would in no event exceed the sum of Seventy-Five Thousand Dollars (\$75,000.00). Accordingly, the parties stipulate as follows:

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1 1. The full amount of damages, if any, that Plaintiff Kathleen Gannon may recover
2 in this action, regardless of claim or theory of liability, whether presently pled or not, shall be
3 limited to (i.e., shall not exceed) the sum of \$75,000.00;

4 2. In no event shall judgment be entered in favor of Plaintiff Kathleen Gannon and
5 awarding damages, whether general, special, punitive or otherwise, in an amount in excess of
6 \$75,000.00. Such amount includes any substantive claim for attorneys' fees, costs or interest
7 that Plaintiff Kathleen Gannon claims she is entitled to as an element of damages for any of the
8 causes of action that were, or could have been raised in the Complaint;

9 3. Plaintiff Kathleen Gannon acknowledges and agrees that the full amount of
10 damages, whether general, special, punitive or otherwise, incurred or sustained from any and all
11 claims arising out of or relating to this action, regardless of claim or theory of liability and
12 regardless of whether presently pled or not, is not greater than the total sum of \$75,000.00 and
13 she will neither seek nor accept any award of damages in this action greater than this sum;

14 4. By entering into this stipulation, Defendant Western United Insurance Company
15 neither acknowledges nor concedes any liability with respect to any claims brought by Plaintiff
16 Kathleen Gannon in her Complaint, whether original or as may be amended;

17 5. This action shall be remanded to Nevada District Court, Clark County;

18 6. Defendant Western United Insurance Company shall have ten (10) days following
19 a signed order of Remand to answer or otherwise respond to the allegation in Plaintiff Kathleen
20 Gannon's Complaint.
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7. Plaintiff agrees that no discovery shall be done regarding any extra contractual liability for six (6) months from the date of remand.

Dated this ____ day of _____, 2010 Dated this ____ day of _____, 2010

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Dated this 12 day of February, 2010

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7. Plaintiff agrees that no discovery shall be done regarding any extra contractual liability for six (6) months from the date of remand.

Dated this ____ day of _____, 2010

Dated this 5 day of February, 2010

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Dated this ____ day of _____, 2010

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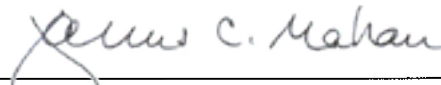
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ORDER

IT IS SO ORDERED,

Dated this 5th day of November, 2010.



U.S. DISTRICT JUDGE

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